

Site Development Plans, Sec. 24-168. When required.

No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission. **This requirement shall not apply to the use of any single-family dwelling for residential purposes.**

Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his designee, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the zone and is substantially similar to the use to which the premises were put by the last prior occupant thereof, and the property on which the use is proposed to be located has been the subject of a site development plan approved by the planning commission. A proposed use shall not be deemed substantially similar to a prior use where this chapter imposes more stringent requirements for the proposed new use as to off-street parking, yards, height limits or minimum lot size. Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his designee, upon reviewing an application for a building permit for changes in an existing building, is satisfied that the proposed changes in the building will not increase the exterior dimensions of the building or substantially increase the usable space within the building.

The bolded section is the subject of review

While recently developed residential neighborhoods have approved site plans, many of the older residential neighborhoods do not.

Under current zoning ordinance, no site plan is required for any structural alterations to single family dwellings in older neighborhoods.

This has become problematic because significant alterations in these neighborhoods can technically be constructed with a simple residential building permit. Provided minimum standards (i.e. max. heights, min. setbacks, etc.) are adhered to there is no additional zoning purview or development requirements.

Residential building permit applications are reviewed by staff and are not reviewed by the Commission.

Possible remedy:

Allow existing single family residential to enjoy this flexibility to a certain point by use of a trigger.

Trigger takes into account the current footprint and established it as benchmark.

Anything exceeding that benchmark by a certain percentage would require a site plan.

The benchmark must be applicable to variety of potential single family alterations.

Site Development Plans

- A number of neighborhoods in the City do not have site development plans.
- As a result, modifications, alterations or additions to single family homes in these neighborhoods do not require Planning Commission review.
- In the past, this has caused concern among residents and interested parties because it does not provide an opportunity for public comment on the proposed project.

Neighborhoods that do not have Site Development Plans

- **Brighton East**
- **Realty Park**
- **Whetstone Run**
- **West Riding**
- **Observatory Heights**
- **Deer Park**
- **Westleigh**
- **Rosemont**
- **Brown's Addition**
- **Russell/Brooks Addition**
- **Walker's Addition**

Current Requirements for Properties without Site Plans

- **Residential additions and alterations require nothing more than a residential building permit**
- **Residential buildings permits require basic zoning and code compliance**
 - Height limits
 - Setbacks
 - Lot coverage
 - Green space requirements
 - Residential building code requirements

Example of Residential Addition in the R-90 Zone

- May not exceed 35 feet in height
- Maximum lot coverage of 30%
- Rear and Front yard setbacks of 30 feet
- Side yard setbacks of 10 feet
- Green space requirement of 50%



Policy Issue

Should residential addition or alteration applications for properties not currently under the purview of a site development plan require the creation of a site plan and subsequent Planning Commission review?

Should there be a threshold that requires a site development plan for these properties?